

REMARKS

This is intended as a full and complete response to the Office Action dated January 29, 2007, having a shortened statutory period for response set to expire on April 29, 2007. Claims 1-18 have been examined. The Examiner rejected claims 14-18 under 35 U.S.C. § 103(a) as being obvious over Uemura (US006434288B1), in view of Kinoshita (US 007116905B2). Additionally, the Examiner indicated that claims 1-13 are allowed.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claim 14 as being obvious over Uemura in view of Kinoshita. In response, Applicant has amended claim 14.

As amended, claim 14 includes the limitations of sending a command to deactivate or reactivate one or more optical receivers locally configured to receive extra traffic, wherein under a failure condition, one or more extra traffic receivers are deactivated when an OMS signal is looped back within a ROADM to present a drop signal via a broadcast and select module and wherein the extra traffic is being pre-empted under the failure condition. The combination of Uemura and Kinoshita fails to disclose these limitations. Specifically, Uemura merely discloses that if a fault takes place on a working transmission path, the communication is saved by switching the optical switching systems to detour the working path communications to the preparatory path side. Uemura further states that the detection of the faulty state of the signal from the working receiving path places the receiving optical switch in the cross state in order to connect the signal from the preparatory receiving path to the working terminal unit, thus recovering the fault (see Uemura col. 10, lines 50-53 and lines 63-67). There is no mention in Uemura that the extra traffic is being pre-empted under the failure condition. Additionally, Kinoshita merely discloses a system for control signaling in an open ring optical network by utilizing an ingress optical supervisory channel at each node of the ring. There is also no mention in Kinoshita that the extra traffic is being pre-empted under the failure condition and therefore Kinoshita fails to cure the deficiencies of Uemura. As such, the combination of Uemura and Kinoshita fails to disclose all the limitations in amended claim 14. This failure precludes the combination of Uemura and Kinoshita from rendering

claim 14 obvious. Applicant therefore submits that claim 14 is in condition for allowance and respectfully requests withdrawal of the §103(a) rejection. Additionally, since claims 15, 17, and 18 depend from claim 14, these claims are allowable for at least the same reasons as claim 14.

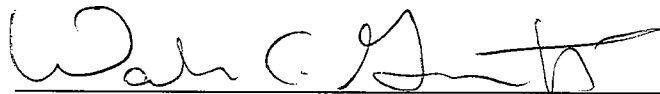
Allowable Subject Matter

The Examiner indicated that claims 1-13 are allowed. Applicant appreciates allowance of these claims. Further, Applicant has amended claims 1-10 to remove the reference characters from these claims.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the case is in condition for allowance. If the Examiner has any questions, please contact the Applicant's undersigned representative at the number provided below.

Respectfully submitted,



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